

NATIONAL RECOVERY ADMINISTRATION

PROPOSED CODE OF FAIR COMPETITION

FOR THE

CITY DIRECTORY INDUSTRY

AS SUBMITTED ON SEPTEMBER 6, 1933



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U.S. DEPOSITORY

The Code for the City Directory Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and *none of the provisions contained therein are
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry*

UNITED STATES
GOVERNMENT PRINTING OFFICE
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NATIONAL RECOVERY ADMINISTRATION CODE OF FAIR COMPETITION FOR THE CITY DIRECTORY INDUSTRY

SECTION 1. To effectuate the policy of Title 1 of the National Industrial Recovery Act, during the period of the emergency, the following provisions are established as a code of fair competition for the City Directory Industry.

SEC. 2. In the form in which it is finally approved by the President of the United States this code of fair competition will become mandatory upon the City Directory Industry throughout the United States.

SEC. 3. The Association of North American Directory Publishers is a voluntary association, organized in eighteen hundred and ninety-eight for the purpose of improving City Directory Service by the interchange of ideas. The membership in the Association represents over seventy-five percent of the city Directories published throughout the United States. The Association is governed through its officers by a Board of Trustees, consisting of eleven members, and an Executive Committee, consisting of three members. Membership in this Association is open to all City Directory Publishers within the United States and Canada. No inequitable restrictions are placed upon membership in this Association.

SEC. 4. The City Directory Industry includes such persons as are engaged in issuing one or more city directories, the information for each edition of which is secured through personal contact by a canvass made at each residence and place of business, and who compile said information in convenient form for reference and print or cause to be printed said information in book form for distribution.

SEC. 5. As used herein the term "City Directory" shall mean a book containing a complete alphabetical list of the names of the residents and business concerns of a city, which information is secured at its source by personal solicitation, also a classified list of the business concerns and such other information as may be included therein according to custom and practice.

The term "Employers" shall mean all persons who employ labor in the conduct of any branch of the City Directory Industry.

The term "Employees" shall mean all persons employed in the conduct of any branch of the City Directory Industry.

The term "Person" shall mean any individual, partnership, association, or corporation.

The term "Enumerator" shall mean such employees as are engaged in securing the names and addresses of residents and business concerns through personal contact by a canvass made at each residence and place of business.

Enumerators, by reason of the character of their work, labor without direct supervision as to the number of hours devoted to their duty. The result of their effort can be measured only in a general way and without regard to the time employed.

SEC. 6. LABOR PROVISIONS.—(1) As required by Section 7 (a) of Title 1 of the National Industrial Recovery Act, the following provisions are conditions of this code:

“That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

“That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

“That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment approved or prescribed by the President.”

(2) It is clearly understood that the foregoing paragraphs do not impair in any particular the constitutional rights of the employee and employer to bargain individually or collectively as may be mutually satisfactory to them, nor does it impair the joint right of the employer and employee to operate an open shop.

The selection, retention, and advancement of employees shall be on the basis of individual merit, without regard to their affiliation or nonaffiliation with any labor or other organization.

SEC. 7. THE MAXIMUM NUMBER OF HOURS.—The maximum work week shall be as follows:

On and after the effective date of this code, employers in the City Directory Industry shall adopt a maximum work week for production and office workers which shall not be in excess of an average of forty hours a week for any twelve months' period, and the maximum hours of work for any one week shall be forty-eight hours. From this rule shall be excepted executives, supervisors, enumerators, outside salesmen, and collectors.

SEC. 8. MINIMUM WAGES.—The minimum hourly wage to be paid employees shall be at the rate of 30¢ per hour, except for learners and apprentices.

Learners and Apprentices.—It is further provided that learners and apprentices shall be paid not less than eighty percent of the herein prescribed minimum wage, but the period of learners and apprentices in any instance shall not be more than thirty working days.

SEC. 9. MINIMUM AGE OF EMPLOYEES.—No person under sixteen years of age shall be employed in this industry.

SEC. 10. UNFAIR COMPETITION.—The City Directory Industry is of necessity noncompetitive as in the generally accepted sense, in that no city or community will support two rival directories. The production of two directories must result in a division of the possible revenue, which is limited, without a resulting decrease in the cost of securing, compiling and printing the necessary data.

In establishing a code of unfair competition for the City Directory Industry the rights of any person to issue a city directory for any particular city or community must necessarily be established by the fact that previous editions have been issued by that person.

Unfair Competition.—It shall be unfair competition for any person to do any of the following:

1. To undertake to issue a City Directory for any city or community in which any other person operating under this code has established a prior right without first securing the right by agreement.

2. For any person to endeavor to secure information by means of a canvass or otherwise under the fraudulent representation that such information is to be used in the issuance of a City Directory.

3. To endeavor to secure business in any city or community by representing either by act or inference that the business is being secured for the regular City Directory when such is not the case.

SEC. 11. APPOINTMENT OF AGENCY TO ADMINISTER CODE.—Under Section 2A of Title 1 of the National Industrial Recovery Act, the Association of North American Directory Publishers is hereby appointed the "Agency" to administer the purposes of the act insofar as they apply to the City Directory Industry in accordance with the following provisions:

1. *Preparation of Code Data for Statistics.*—Collect from the members of the City Directory Industry all data and statistics required by this code or by the President, compile same, and submit to the National Recovery Administration, and to furnish copies of such data to its members as may be desired.

2. *Collect Pro Rata the Cost of Administration Work.*—Each subscriber to this code shall periodically be assessed an amount sufficient to cover the cost of the administration of this code; such assessment to be prorated on the basis which the total annual sales of such subscriber bears to the total annual sales of all subscribers.

3. *Organization of Code Committee.*—The Executive Committee of the Association of North American Directory Publishers is hereby constituted and empowered to act as the code committee of the City Directory Industry for such purposes and with such powers as are necessary to direct and regulate the work of the "Agency" and to effectuate this code and the policy of the National Industrial Recovery Act.

4. *Ex-Officio Member.*—The President of the Association of North American Directory Publishers shall act as an ex-officio member of the code committee. The Secretary of the Association of North American Directory Publishers shall perform the duties of the secretary of the code committee.

5. *Meetings of the Code Committee* shall be held upon call of its chairman or the President of the Association of North American Directory Publishers, and such meetings may be called in such manner as are determined advisable by the Chairman or President.

SEC. 12. DUTIES AND POWERS OF CODE COMMITTEE are as follows:

1. *To carry out the "Agency's" Executive Duties and Functions* as set forth in this Code.

2. *To Hold Meetings* upon call of its chairman or the President of the Association of North American Directory Publishers.

3. *To Give Special Consideration to Conditions* and factors which are found to be having a generally injurious effect on the employing subscribers, their employees, or their customers; and to do whatever is necessary to correct the situation.

4. *To Work Out the Regulations for Making Complaints* against those believed guilty of violating this Code or approved supplementary codes.

5. *To Take Prompt Action on Complaints Received.*—If a complaint is properly made out and signed by one or more complainants,

it must contain a provision whereby the complainants furnish a guarantee satisfactory to the code committee to pay the cost of the investigation if the accused is found not guilty. The Code Committee shall then pass upon the evidence furnished to determine whether it is of sufficient weight to justify further action.

6. *To Prepare the Regulations Governing the Complaint Investigation.*—These regulations shall provide that any investigation into the books and other records of the accused shall be made by a public accountant approved by the Code Committee, who shall go into the books and records of the accused only to the extent necessary to prove or disprove the accusations. The accountant shall report his findings to the Code Committee or to its authorized representative.

If the accused refuses to allow the authorized accountant to examine his books or records, this shall be prima facie evidence of the guilt of the accused.

If the accused is found "not guilty" no further action shall be taken on the complaint.

If the accused is found "Guilty" on one or more points in the complaint, this may be reported by the Code Committee to the proper authorities.

7. *To Act Upon the Findings of the Investigations.*—When the accused has been found guilty but has willingly aided the Code Committee in its investigation, and otherwise convinces the Code Committee that the offense was more through ignorance or inadvertence than willful intent, the Code Committee has the power to drop the matter if the offense is not repeated.

If the offense is repeated or was willfully done in the first place, the Code Committee may then present the matter and the evidence to the proper Governmental Authorities.

8. *To Have the Data and Statistics* required by the National Recovery Administrator gathered, compiled, and the required reports submitted.

9. *Appointment of Agents.*—The Code Committee is authorized to appoint an agent to make such investigation as may be necessary, who shall furnish to the Code Committee such information as may be required. The Committee as a whole shall pass upon the evidence submitted by its agent.

10. *To Employ the Necessary Help* to properly administer the provisions of this Code and to Execute the rules and regulations as promulgated by the National Recovery Administration.

SEC. 13. AMENDMENTS AND SUPPLEMENTARY CODES.—Section 6, Division 1 of this Code cannot be altered or eliminated, since its inclusion in this Code is required by the N.I.R.A. Amendments of any other part of this code shall be made in the following manner: The Code Committee may prepare amendments and present same by mail ballot to the last known address of each registered employing concern in the City Directory Industry, together with its recommendation. If a majority of the mail ballots cast sustain the recommendation of the Code Committee, then such amendment shall be presented to the National Recovery Administration and if approved become effective ten days after such Executive approval. Supplementary Codes, which are distinct and separate from this basic code, shall be handled in the same manner.

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